



Queensland

Nature Conservation (Protected Areas) Amendment Regulation (No. 8) 2011

Explanatory Notes for SL 2011 No. 308

made under the

Nature Conservation Act 1992

General outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 8) 2011.

Authorising law

Sections 29, 33(1), 42AH, 42AI and 42AJ of the *Nature Conservation Act 1992*.

Policy objectives and the reasons for them

The dedication of protected areas is a core component in achieving the conservation of nature (the objective of the *Nature Conservation Act 1992*). This proposal is not considered to constitute significant subordinate legislation.

With respect to North Stradbroke Island the Queensland Government has had a long standing commitment for significant areas of the island to be protected as national park. On June 20, 2010, the Premier announced that the Queensland Government vision for North Stradbroke Island which involved the cessation of all mining activity by 2027, development of an

alternative economic base and the transition of up to 80% of the island as national park (or other status of protected area) by 2027.

The Quandamooka people were recognised by the Federal Court on July 4, 2011 as the native title holders of 54,408 hectares of land and water on and surrounding North Stradbroke Island. The Quandamooka people negotiated an Indigenous Land Use Agreement (ILUA) with the Queensland Government as part of gaining consent determination. In exercising their native title rights the Quandmooka People wish to be involved in determining what future activities are permitted on their country. The ILUA includes agreement for Aboriginal freehold ownership and joint management for protected areas in the North Stradbroke Island Region.

The *North Stradbroke Island Sustainability and Protection Act 2011* provided a legislative basis for a clear schedule for the cessation of mining. The Act also provided the legislative basis to enable the dedication of protected areas over Aboriginal freehold and the creation of an Indigenous Joint Management (IJM) status within the North Stradbroke Island Region. The dedication of IJM occurs as an overlay to any prescribed protected area (ie national park, national park (recovery), conservation park, and resources reserve).

Achievement of policy objectives

National Park stage 1 was dedicated over 20% of North Stradbroke Island on March 25, 2011. This regulation relates to stage 2 of the overall vision and results in 50% of the Island being protected as national park. Existing areas of national park have been expanded and new areas of national park (recovery) have been dedicated.

Significant areas of formally sand mined areas are now rehabilitated to a stage where the declaration of national park (recovery) over those areas is appropriate. The dedication of national park (recovery) over Aboriginal freehold will not impact on the ability to carry out authorised rehabilitation activities as the continuing Environmental Authorities issued under the *Environmental Protection Act 1994* will provide security that remaining rehabilitation obligations are completed by the mining company.

The dedication of areas of national park recovery provides benefits including maximising the area of the island that is protected as national park at the earliest opportunity, reducing the impact of non-operational areas of mining tenement on the community and providing for meaningful

involvement of Traditional Owners in setting direction for the restoration of the landscape.

Some areas of national park (recovery) and Aboriginal freehold co-exist with mining leases which have not yet expired. Operational areas may be subject to restricted access under the *Nature Conservation Act 1992* to ensure that the mining company is able to complete decontamination, decommissioning and remediation works and to meet health and safety obligations.

Management of the proposed national park (recovery) would be guided by a future Regeneration Plan which would aim to restore natural and cultural values to the extent where the area is self sustaining and a tenure upgrade to national park status is appropriate.

Smaller discrete areas of conservation park tenure have also been dedicated as part of the Indigenous Land Use Agreement (ILUA) with the Quandamooka People. Main Beach Conservation Park has been dedicated specifically as a tenure foundation to enable future culturally orientated nature-based businesses (eg. beach camping) to be run directly by the Quandamooka People.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objective of the *Nature Conservation Act 1994*.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation. It provides for land dedication and declaration consistent with other State laws relating to State land use allocation.

Benefits and costs of implementation

Protected areas provide conservation and ecosystem services which have indirect economic value and positive benefits to society. Protected areas also provide special places for recreation and tourism activities and are often places of important cultural and spiritual significance for Traditional Owners.

There are ongoing management costs associated with the management and the involvement of Traditional Owners in management of protected areas undertaken by the Queensland Parks and Wildlife Service. This includes active management such as prescribed burning, weed and feral animal control and provision of visitor services and infrastructure.

Consistency with fundamental legislative principles

This regulation is consistent with fundamental legislative principals.

Consultation

Consultation has taken place with island based and mainland conservation groups. Negotiation with the Quandamooka People has taken place through the Indigenous Land Use Agreement. Negotiations with Sibelco have been ongoing. Since the Premiers announcement in June 2010, extensive community consultation and feedback opportunities has been undertaken on the North Stradbroke Island Vision/Strategy. Consultation has also taken place internal to government principally with the Department of Employment, Economic Development and Innovation the Department of the Premier and Cabinet, Crown Law and the Queensland Office for Regulatory Efficiency, Queensland Treasury regarding the proposed amended.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.